

Serial No.: 10/801,307

IN THE DRAWINGS

Amendments To Drawing Figures

Figs. 2-8 have been amended to include "prior art" labels as requested in the Office Action. Replacement and marked-up (annotated) sheets are attached.

Fig. 9 has been amended to schematically illustrate supply pressure sources as requested in the Office Action. Replacement and marked-up (annotated) sheets are attached. The drawing modifications are a schematic depiction of what is described in the specification. No new matter is added.

Figs. 17A and 17B have been added to as schematically illustrate a first position and a second position of the valve, as requested in the Office Action. A new drawing sheet is attached. The drawings are a schematic depiction of what is described in the specification. No new matter is added.

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REMARKS

Claim Status

The claims in this application are claims 1-20. Claims 1, 3-10 and 12-18 have been objected to as being dependent on rejected claims.

The amendments to claims 1 and 5 are supported in the original disclosure at paragraphs [0032] and [0033]. No new matter has been introduced. Any difference in the precise wording of the amendment and the original disclosure reflects only grammatical changes necessary for the claim to parse as a complete sentence.

Claims 2, 6, 11, 19 and 20 have been rewritten in independent form.

Objections to the Drawings

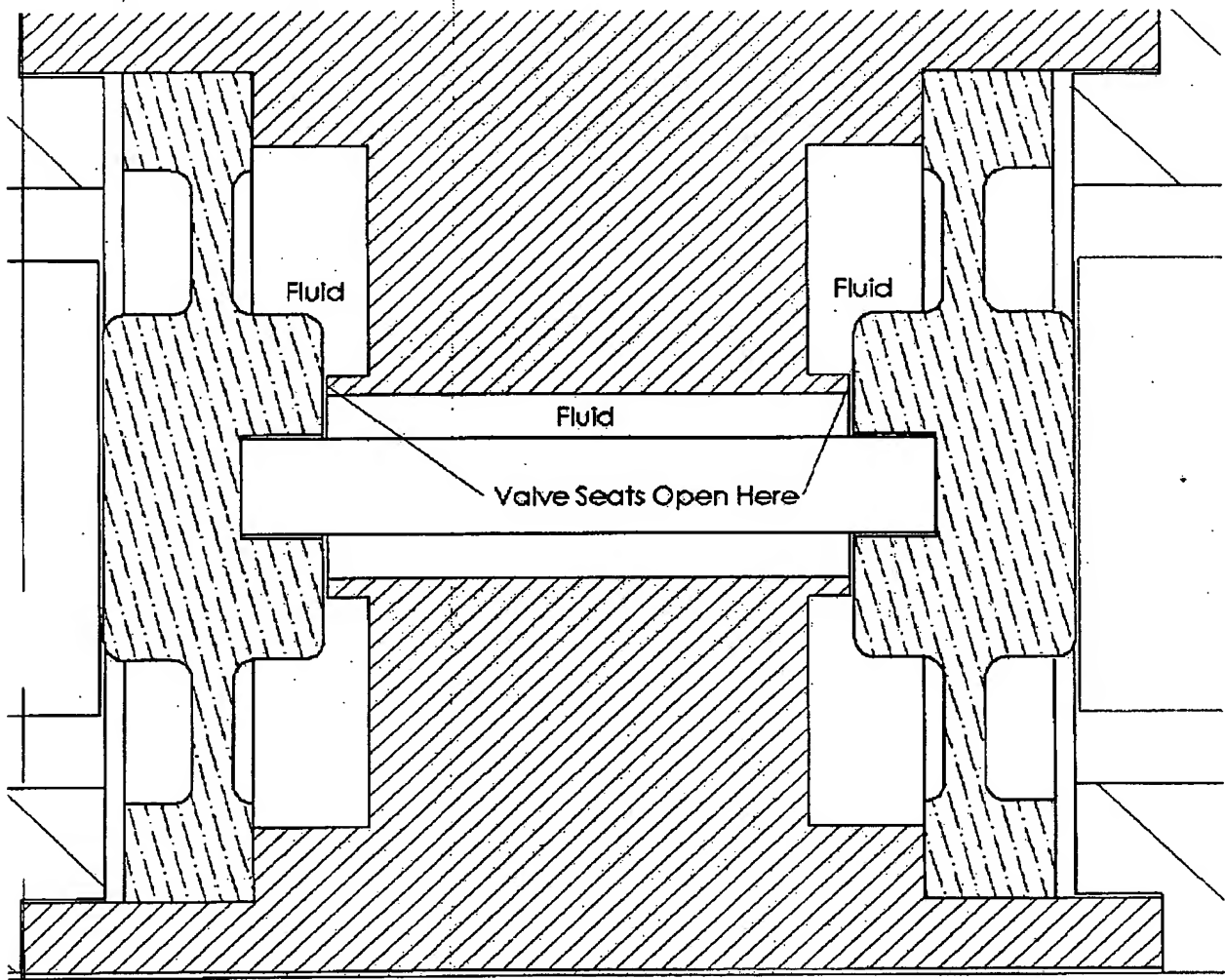
Figs. 1-8 are objected to as not providing the label "Prior Art." This has been done for Figs. 2-8. Fig. 1, however, is not prior art and thus has not been modified.

The drawings are also objected to for not illustrating various features of the claims, specifically the first position, second position and default neutral position. This rejection is respectfully traversed. 37 CFR 1.81 makes clear that drawings are required only where necessary for the understanding of the subject matter sought to be patented, which is not the case for the claimed subject matter pointed out in the Office Action.

Moreover, the rejection concerning the first and second positions is believed to be moot in view of new FIGS 17A and 17B, which have been added to schematically illustrate first and second valve positions as requested in the Office Action. The drawings are a schematic depiction of what is described in the specification. No new matter is added.

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Furthermore, in Fig. 11, the valve seats, which are mechanically interlocked with a small ceramic stem as described in conjunction with Figs. 2-8, are illustrated in the default neutral state wherein both valve seats of the three-way valve are open. This can be readily seen from the expanded and annotated view of Fig. 11 below:



Reconsideration and withdrawal of the objection to the drawings is requested.

Specification

Further to the Examiner's request, Takasago is not a trademark.

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Rejection under 35 USC § 103 – Brown and acknowledged prior art

Claims 1, 3-5, 7, 10 and 12-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over acknowledged prior art in view of Brown US 2,880,755. This rejection and its accompanying remarks are respectfully traversed.

As amended, independent claims 1 and 5 both require a pneumatic actuated three-way valve that is dual actuated with no spring return mechanism.

The three-way valves in the acknowledged prior art utilize spring returns. The valve in Brown utilizes spring return of the pistons 27 and 47 in Figures 1 and 2. The springs are elements 60 and 61 in Figures 1 and 2. The function of the springs and pistons together is *essential* to the operation of the three-way valve. There is no indication that the springs are optional. See column 2; line 27, to column 3, line 44, column 4, lines 41-73 and the claims. Thus, even if the disclosure of Brown were combined with the acknowledged prior art, the invention of the instant claims could not result. The resulting valve would always have some *essential* "spring return mechanism."

Thus claims 1 and 5, as well as claims 3, 4 7, 10 and 12-18 depending thereon are patentable over the acknowledged prior art in view of Brown.

Reconsideration and withdrawal of the claim rejection under 35 U.S.C. § 103 is therefore requested.

Rejection under 35 USC § 103 – Brown Chemical Plastics Ltd. and acknowledged prior art

Claims 8 and 9 have been rejected as being unpatentable over the acknowledged prior art in view of Brown and Chemical Plastics Ltd. (2001) (Plastics). This rejection and its accompanying remarks are respectfully traversed.

Claim 8 requires stainless steel inserts. Plastics discloses steel inserts. However, in view of the foregoing remarks, claim 8 remains unobvious in its fundamental limitations.

Claim 9 requires a "stainless steel body," which Plastics does not disclose and actually teaches away from. In re Baird, 16 F.3d 380, 29 U.S.P.Q. 2d 1550 (Fed. Cir. 1994), also see MPEP 2141.02, final paragraph, and the cases cited therein. The article throughout stresses the advantages of a plastic valve body. See especially the first of the "Features" listed in the publication. Thus there is an additional reason to treat claim 9 separately and find it not to be obvious over the references.

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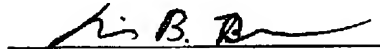
Reconsideration and withdrawal of the claim rejection under 35 U.S.C. § 103 over the acknowledged prior art in view of Brown and Plastics is therefore requested. In light of the foregoing amendments and remarks it is respectfully considered that the rejections of record have been obviated, and allowance of this application is respectfully requested.

FEES

The Examiner is authorized to charge any fees that may be due to the undersigned attorney's PTO Deposit Account #50-1047.

Respectfully submitted,

By:



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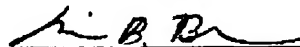
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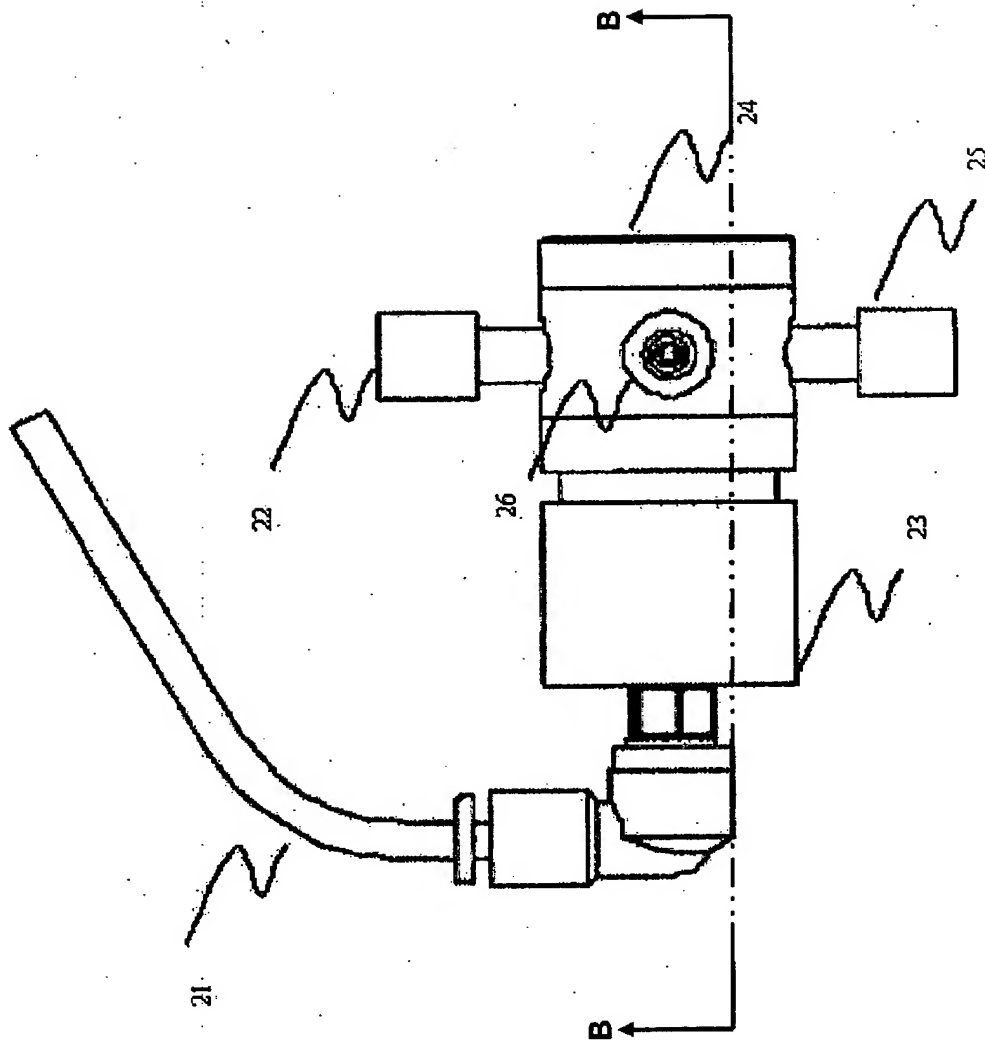
David B. Bonham, Reg. No. 34,297
(Printed Name of Person Faxing Correspondence)


(Signature)

Annotated Sheet Showing Changes
Application No. 10/801,307
Art Unit: 3752

FIG 2 (Prior Art)

20

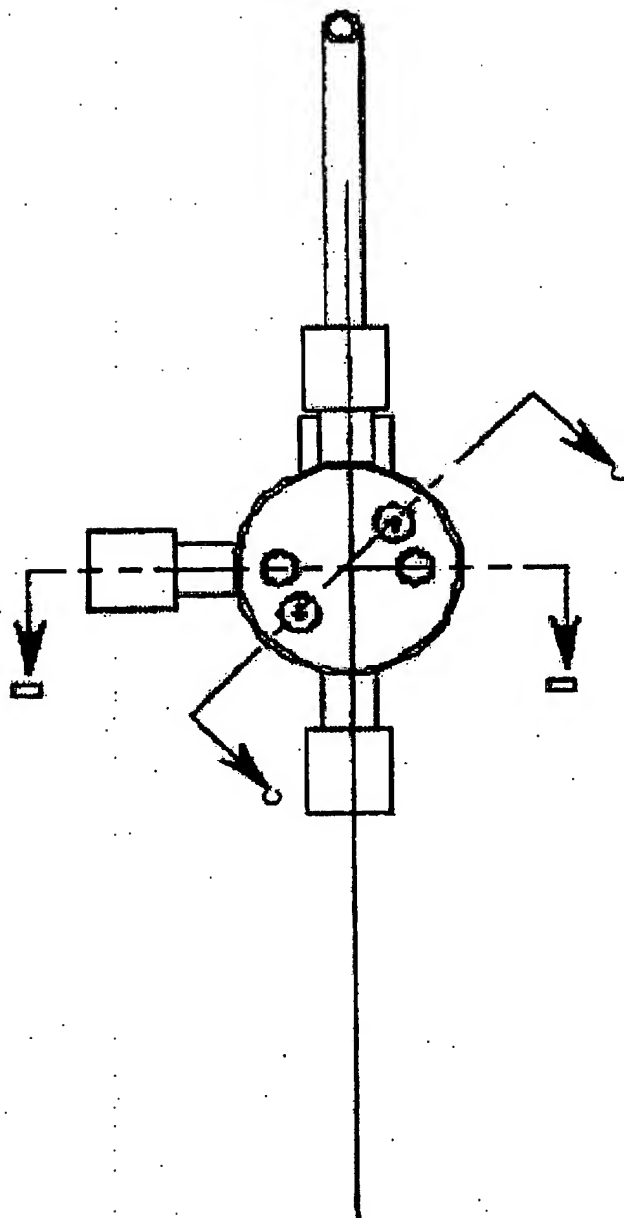


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FIG 3 (Prior Art)

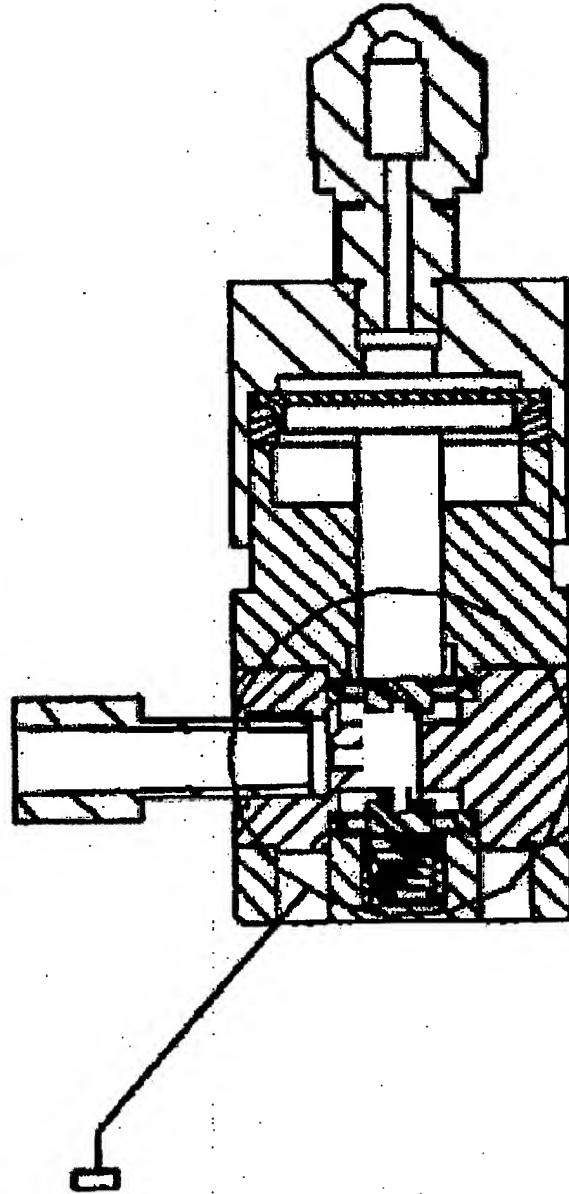
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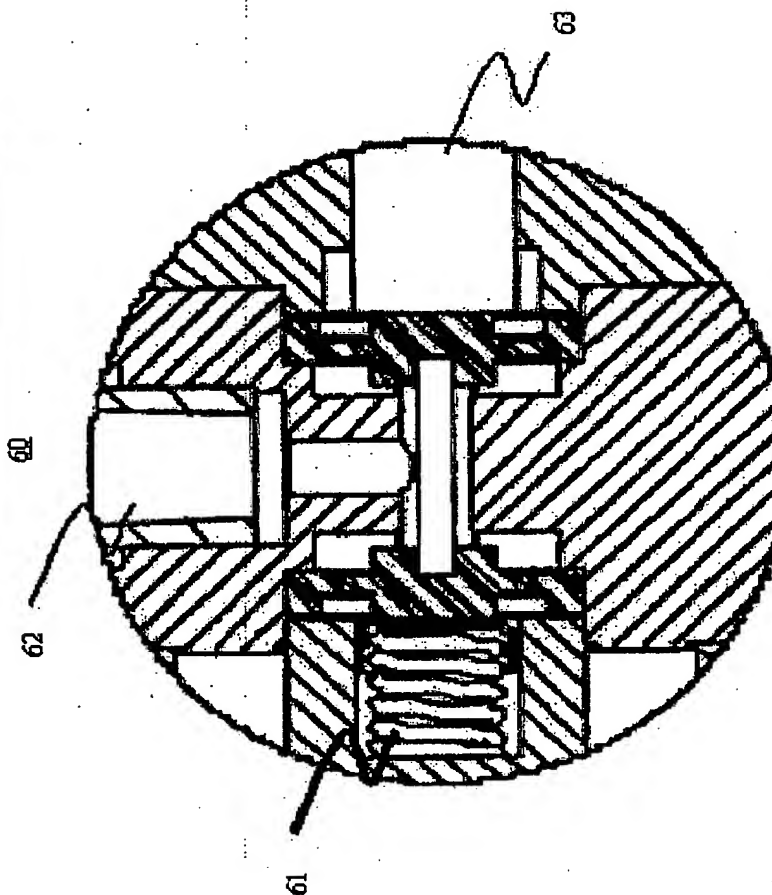
FIG 4 (Prior Art)



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FIG 5 (Prior Art)

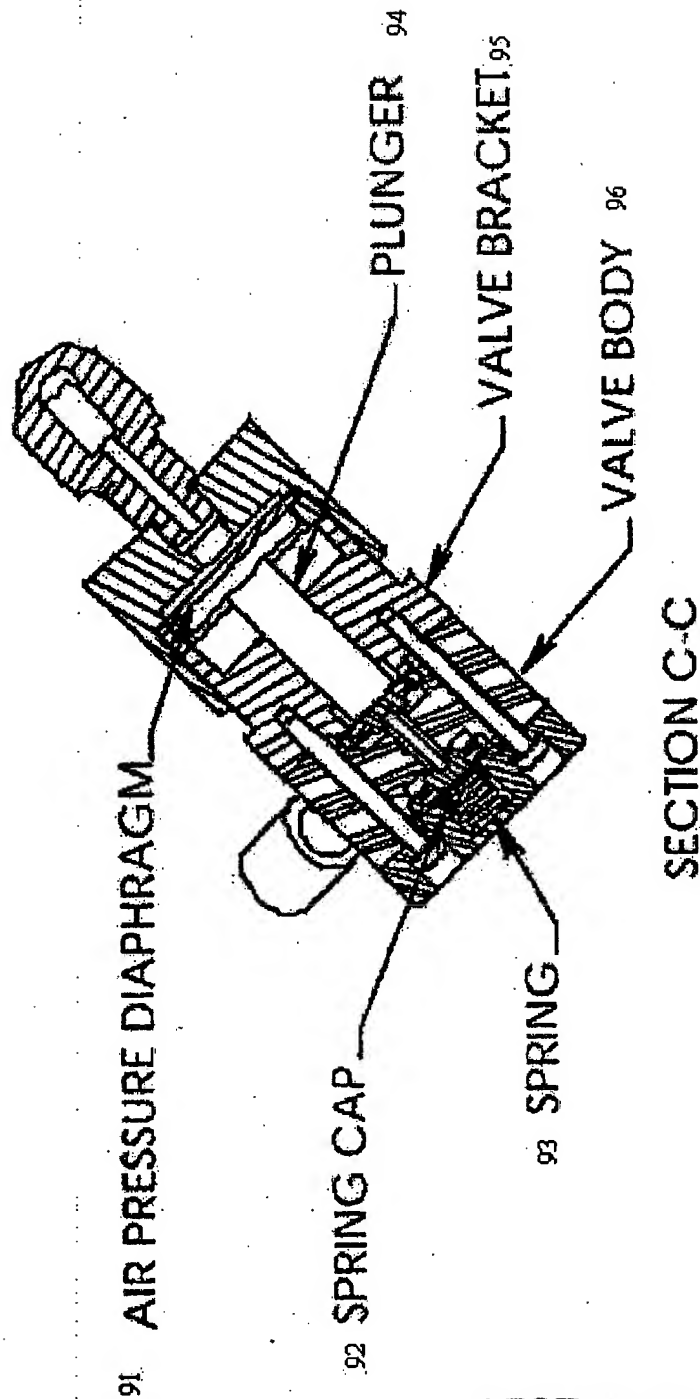


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FIG 6 (Prior Art)

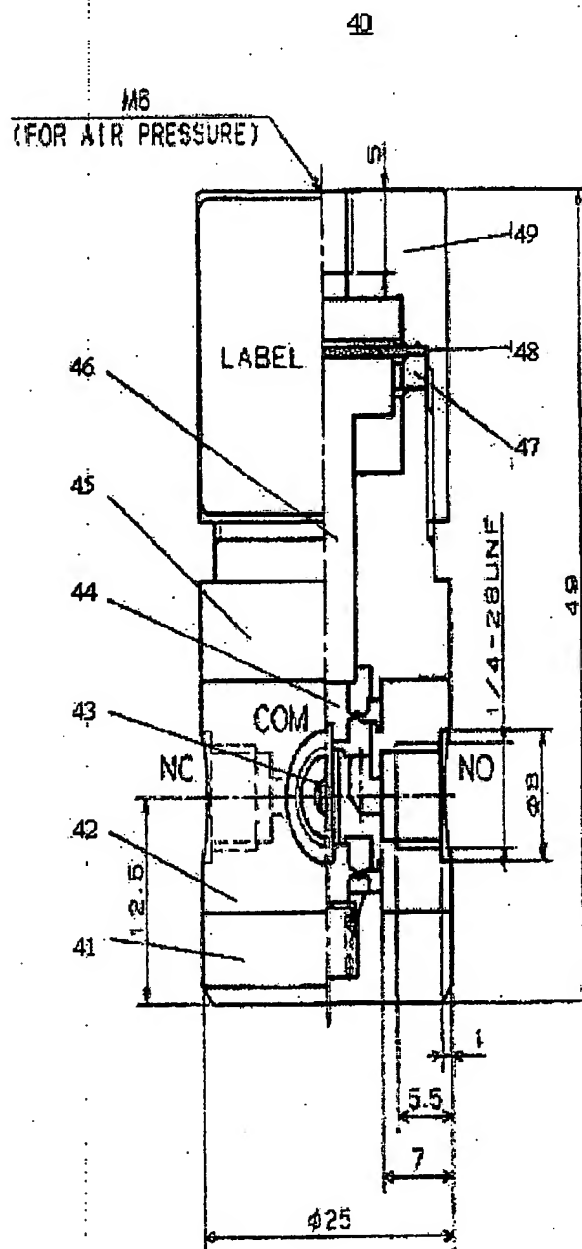
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FIG 7 (Prior Art)

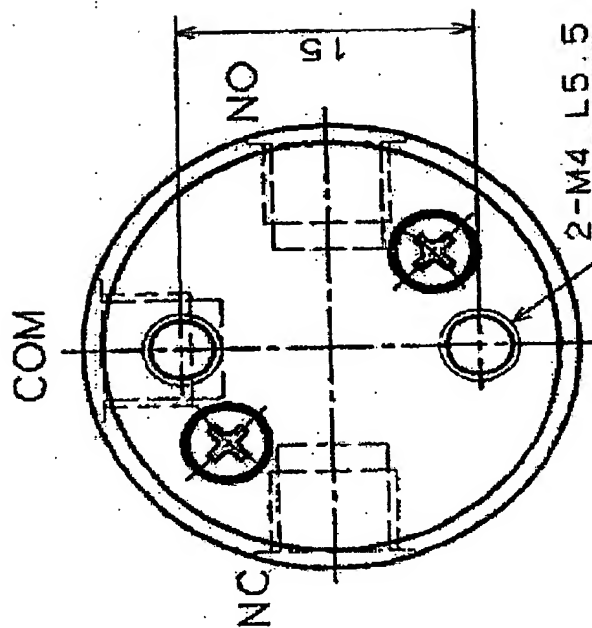


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FIG 8 (Prior Art)

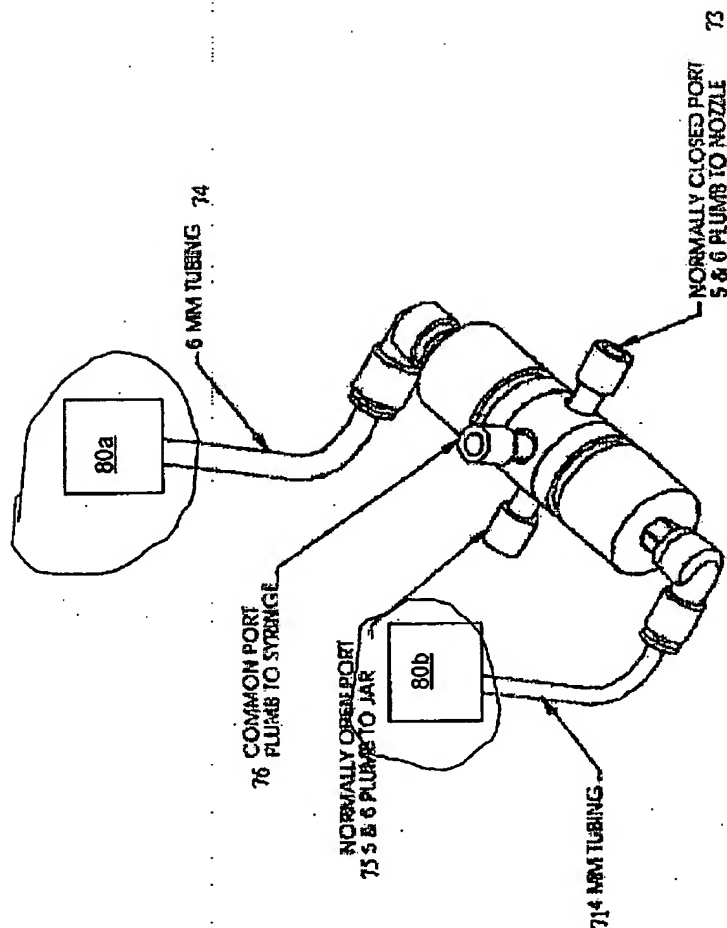
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FIG 9



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